

ORDINANCE 06-33

**AN ORDINANCE REQUIRING A MAINTENANCE BOND
AND CONSTRUCTION ROUTING PLAN FOR CONSTRUCTION PROJECTS
WITHIN THE TOWN OF WESTFIELD, INDIANA**

WHEREAS, the Town of Westfield, Indiana ("Town") is responsible for the maintenance of streets and roadways within the corporate boundaries of the Town; and

WHEREAS, the Town is a rapidly growing community with constant construction being conducted within the corporate boundaries of the Town; and

WHEREAS, the Town Council is concerned that the streets and roadways within the Town are prematurely deteriorating due to the increased heavy construction traffic; and

WHEREAS, the Town Council is desirous of addressing the problem of premature deterioration of the streets and roadways within the Town by holding those who are causing the premature deterioration responsible for that premature deterioration;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WESTFIELD, INDIANA:

Section 1. As a condition of approval of any applicable construction plan, the applicant shall post a maintenance bond in favor of the Town of Westfield, Indiana in an amount and form to be determined by the Department of Public Works to provide for the repair of any damage to perimeter roads within the Town as a result of the construction project of the applicant. Once the construction project is complete and there has been demonstrated to the Department of Public Works that no damage has occurred to the perimeter roads within the Town, the maintenance bond shall be released.

Section 2. As a condition of receiving any applicable construction permit, the applicant shall submit to the Department of Public Works a construction routing plan for construction vehicles with a declared gross vehicle weight rating of twenty thousand (20,000) pounds or more. Any violation of the submitted construction routing plan by any party involved in the construction project for which the plan has been submitted, may result in a fine of \$200 for the first offense, \$1,000 for the second offense, and a maximum of \$7,500 for a subsequent offense, plus any damages, costs and expenses incurred in prosecuting the civil infraction, to be charged against the party submitting the construction routing plan. Each day such violation occurs or continues shall be deemed a separate offense and shall make the violator liable for the imposition of a fine for each occurrence.

Section 3. Any portion of this Ordinance that may later be deemed invalid shall not effect the remaining provisions.

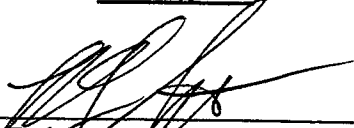
Section 4. This Ordinance shall be in full force and effect in accordance with Indiana Law, upon its passage and any publication and applicable waiting period, as provided by the laws of the State of Indiana.

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ALL OF WHICH IS ORDAINED this 14 day of Aug, 2006.

WESTFIELD TOWN COUNCIL

Voting For


Robert J. Smith


John B. Hart


David Mikesell


Teresa Otis Skelton


Ron Thomas

Voting Against

Robert J. Smith

John B. Hart

David Mikesell

Teresa Otis Skelton

Ron Thomas

Abstain

Robert J. Smith

John B. Hart

David Mikesell

Teresa Otis Skelton

Ron Thomas

ATTEST:


Clerk-Treasurer, Cindy J. Gossard

This Ordinance prepared by:
Sue A. Beesley
Bingham McHale LLP

"I affirm, under the penalties for perjury, that I have
taken reasonable care to redact each Social Security
number in this document, unless required by law."
(name) 